

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	AU Docket No. 19-101
TollFreeNumbers.com	)	
And	)	WC Docket No. 17-192
Get800	)	
Requests for Extension of Time to File Comments	)	CC Docket No. 95-155
and Reply Comments	)	
	)	

**ORDER**

**Adopted: July 9, 2019**

**Released: July 9, 2019**

By the Chief, Competition Policy Division, Wireline Competition Bureau, and Chief, Auctions Division, Office of Economics and Analytics:

**I. INTRODUCTION**

1. In this order, the Competition Policy Division of the Wireline Competition Bureau (Bureau), in conjunction with the Auctions Division of the Office of Economics and Analytics, denies two requests to extend the deadline for filing initial and reply comments in response to the Public Notice seeking comment on the competitive bidding procedures for the auction of toll free numbers in the 833 code.<sup>1</sup>

**II. BACKGROUND**

2. In September 2018, the Commission revised its toll free number assignment rule to provide the Commission with the flexibility to assign toll free numbers by alternative approaches, including by auction.<sup>2</sup> The *Toll Free Assignment Modernization Order* established an auction of approximately 17,000 numbers in the 833 code (“833 Auction”) as an experiment in using competitive bidding as a way to assign toll free numbers equitably and efficiently, and established Somos, Inc. (Somos), the Toll Free Numbering Administrator (TFNA), as the auctioneer.<sup>3</sup> On May 10, 2019, the Commission released a Public Notice seeking comment on the proposed auction procedures, and set deadlines of June 3, 2019, and June 10, 2019, for filing comments and reply comments, respectively.<sup>4</sup>

<sup>1</sup> Bill Quimby Comments, CC Docket No. 19-155, WC Docket No. 17-192 (May 30, 2019), <https://www.fcc.gov/ecfs/filing/10530521016670> (filed on behalf of TollFreeNumbers.com) (TollFreeNumbers.com May 30 Request); Get800 Comments, CC Docket No. 19-155, WC Docket No. 17-192 (June 3, 2019), <https://www.fcc.gov/ecfs/filing/10603092712171> (Get800 June 3 Request); *see also Auction of Toll Free Numbers in the 833 Code Comment Sought on Competitive Bidding Procedures*, AU Docket No. 19-101, CC Docket No. 95-155, WC Docket No. 17-192, Public Notice, FCC 19-41 (May 10, 2019) (*833 Auction Comment Public Notice*).

<sup>2</sup> *Toll Free Assignment Modernization, Toll Free Service Access Codes*, Report and Order, 33 FCC Rcd 9274, 9278, paras. 12-13 (2018) (*Toll Free Assignment Modernization Order*).

<sup>3</sup> *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9284, para 25 and 9294-96, paras. 58-65.

<sup>4</sup> *833 Auction Comment Public Notice* at 1.

3. During the comment period, two parties requested extension of the 833 Auction Comment Public Notice comment and reply comment periods. Specifically, on May 30, 2019, TollFreeNumbers.com, a Responsible Organization (RespOrg), requested an extension for filing comments and reply comments to provide the Government Accountability Office (GAO) an opportunity to hear the bid protest it filed with that agency regarding the selection of Somos as auctioneer.<sup>5</sup> Another RespOrg, Get800, then submitted a comment on June 3, 2019, supporting TollFreeNumbers.com's request to extend the comment deadline and separately requesting an unspecified extension of time on separate grounds.<sup>6</sup> Get800, for its part, also requests a delay because as an organization, they have many questions about the recent changes in the toll free system.<sup>7</sup> They seek additional time to consider the industry and marketplace impacts of assignment by competitive bidding and who is allowed to bid in the 833 Auction.<sup>8</sup>

### III. DISCUSSION

4. We deny TollFreeNumbers.com's request for an extension. Under the Commission's rules, as a general matter, extensions of time are not routinely granted.<sup>9</sup> The only ground TollFreeNumbers.com cites for its request is the pendency of its bid protest to the GAO challenging the Commission's establishment of Somos as the auctioneer.<sup>10</sup> That challenge, however, has been dismissed and, in any event, is unrelated to the Commission's current proceeding to establish the procedures for the 833 Auction. The Commission designated Somos as auctioneer in the *Toll Free Assignment Modernization Order* in 2018.<sup>11</sup> Therefore, any challenges to Somos' selection as the auctioneer for the 833 auction experiment are untimely, outside the scope of the current proceeding and are an insufficient reason to delay the Commission's decisions on auction procedures.<sup>12</sup>

5. The Bureau also denies Get800's request for an extension. As stated above, extensions of time are not routinely granted. The concerns Get800 raises about the impact that an auction might have on the toll free number marketplace and who is eligible to bid in the 833 auction are outside the scope of this pre-auction proceeding, and should have been raised in response to the September 28, 2017 *Toll Free*

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<sup>5</sup> See TollFreeNumbers.com May 30 Request; TollFreeNumbers.com, GAO Bid Protest Docket, B-417615.1 (May 28, 2019), <https://www.gao.gov/docket/B-417615.1> (bid protest dismissed on June 19, 2019). On June 19, 2019, TollFreeNumbers.com filed an additional comment in the CC 95-155 and WC 17-192 dockets, responding to FCC's request to dismiss the bid protest filed with GAO. See Letter from Bill Quimby, President, TollFreeNumbers.com, to Chairman Pai, FCC, CC Docket No. 95-155, WC Docket No. 17-192 (filed June 19, 2019), <https://www.fcc.gov/ecfs/filing/10620047249269>.

<sup>6</sup> See Get800 June 3 Request.

<sup>7</sup> See *id.*

<sup>8</sup> See *id.* Get800's concern is that the auction procedures could lead to a less competitive market or a market in which RespOrgs are competing with their vendor. *Id.* Get800 is also concerned that potential subscribers will be able to bid directly instead of through a RespOrg. *Id.* Get800 claims further that RespOrg auction applicants will be required to disclose information that has previously been deemed to be proprietary and confidential. *Id.*

<sup>9</sup> 47 CFR § 1.46(a).

<sup>10</sup> See TollFreeNumbers.com May 30 Request; see also TollFreeNumbers.com, GAO Bid Protest Docket, B-417615.1 (May 28, 2019), <https://www.gao.gov/docket/B-417615.1> (bid protest dismissed on June 19, 2019).

<sup>11</sup> *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9294-96, paras. 58-65. TollFreeNumbers.com did not timely file a motion for reconsideration or a petition for review of the *Toll Free Assignment Modernization Order*.

<sup>12</sup> Under the Communications Act and the Commission's rules, a petition for reconsideration must be filed within 30 days from the date of the public notice of the final Commission action. See 47 U.S.C. § 405(a); 47 CFR § 1.429(d).

*Assignment Modernization* Notice of Proposed Rulemaking.<sup>13</sup> These issues, like the selection of Somos as auctioneer, were resolved in the *Toll Free Assignment Modernization Order*.<sup>14</sup> Additionally, Get800 does not specify the duration of its requested extension. We find it would not be in the public interest to grant Get800's open-ended request.

6. Finally, it is well settled that the Commission does not routinely delay auctions while it resolves all challenges. As the Wireless Telecommunications Bureau has previously held in the context of a challenge to its procedures for auctions of spectrum licenses, if the Commission were to delay auctions each time a challenge arose, it would undermine the Commission's ability to promote the underlying policy objectives that the auction serves.<sup>15</sup> Granting either TollFreeNumbers.com or Get800's request for an extension of time to file comments and reply comments would unnecessarily delay the auction of toll free numbers for which there is clear demand and would not serve the public interest.

#### IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 5 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), and 155, and sections 0.91, 0.21, 0.291, 0.271, and 1.415 of the Commission's rules, 47 CFR §§ 0.91, 0.21, 0.291, 0.271, and 1.415, that the extension requests filed by TollFreeNumbers.com and Get800 on May 30, 2019 and June 3, 2019, respectively, are DENIED, as discussed herein, and the deadlines for filing comments and reply comments in response to the *833 Auction Comment Public Notice* are not extended.

#### FEDERAL COMMUNICATIONS COMMISSION

Pamela Arluk  
Chief  
Competition Policy Division  
Wireline Competition Bureau

Margaret W. Wiener  
Chief  
Auctions Division  
Office of Economics and Analytics

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<sup>13</sup> See 47 CFR § 1.46(a); see also *Toll Free Assignment Modernization, Toll Free Service Access Codes*, CC Docket No. 95-155, WC Docket No. 17-192, Notice of Proposed Rulemaking, 32 FCC Rcd 7885, 7893, para. 24 (2017) (seeking comment on who should be selected as auctioneer, and specifically, whether it should be the TFNA); *id.* at paras. 21-23 (asking for comment on whether only RespOrgs should be allowed to bid in the auction).

<sup>14</sup> See, e.g., *Toll Free Assignment Modernization Order*, 33 FCC Rcd at 9288, paras. 38-42 (describing the decision to allow subscribers to directly participate in the auction or to participate indirectly through the use of a RespOrg).

<sup>15</sup> See *MetroPCS Communications, Inc. Petition for Reconsideration of Public Notice Announcing Procedures for Auction of AWS-1 and Broadband PCS Licenses (Auction 78)*, Order on Reconsideration, 25 FCC Rcd 2209, 2215, para. 17 (WTB 2010) (after the close of bidding, denying request to reconsider Bureau's adoption of procedures and license inventory for the auction).